IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 115 of 1983

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAMABHAI VISABHAI VATMARABARI & 3 - Appellant(s)
Versus
HAVABEN AMADBHAI WD/O. KARIMBHAI KHATKI - Defendant(s)

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Appearance :
MR RAJNI H MEHTA for Appellant(s) : 1 - 4.
MR MEHUL M SHAH for Respondents

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 26/06/2007

ORAL JUDGMENT

1. The appellants are challenging the award made by the Motor Accident Claims Tribunal, Jamnagar on 7.4.82.

2. It is to be noted that as many as six Claim Petitions were filed by different persons, the driver of the truck was held 100% negligent. Against the award made in those six Claim Petitions, the truck driver and others have filed appeals, submitting inter alia, that the total liability was of the rickshaw driver.

3. It is to be noted that the other First Appeals No. 111/83, 112/83, 113/83 and 293/83 have already been dismissed by a Division Bench of this Court holding that the appeals did not merit. As the main issue about the liability of the truck driver has already been decided by Division Bench of this Court, agreeing with the said finding, I hold that the truck driver was absolutely negligent.

4. So far as the amount of compensation is concerned, a young man of 30 years had died, the Tribunal observed that his monthly income could be Rs. 450/- and out of the same he must have been providing a sum of Rs. 400/- to the family. The Tribunal found yearly dependency to be Rs.4800/-. Applying multiplier of 15, the

Tribunal awarded Rs.78,000/-. In the opinion of this Court, while awarding the amount, the Tribunal had taken into consideration all the pros and cons of the matter.

5. I find no reason to interfere. The appeal is accordingly dismissed. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

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